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TO RUEHC/SECSTATE WASHDC IMMEDIATE 6816  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 2893  
RUEHMK/AMEMBASSY MANAMA PRIORITY 0106  
RUEHSA/AMEMBASSY PRETORIA PRIORITY 0502

C O N F I D E N T I A L HONG KONG 000211

SIPDIS

STATE FOR EAP/CM  
STATE FOR ISN/CATR MITCHELL

E.O. 12958: DECL: 02/04/2024  
TAGS: [ETTC](#) [PARM](#) [PREL](#) [HK](#) [CH](#)  
SUBJECT: PERMISSION REQUESTED FOR BOARDING OF M/V DIPLOMAT

REF: STATE 9902

Classified By: CG Joseph Donovan, Reason 1.4 (b) and (d).

¶1. (C) On February 4, Econoff and OLA Chief (Defense Attache equivalent) conveyed reftel talking points to Hong Kong Maritime Department Director Roger Tupper and Assistant Director K.L. Lee. Tupper cited the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention), specifically the 2005 SUA Protocols, as the existing international agreement that would cover this situation. He claimed, however, that only eight countries had ratified the 2005 SUA Protocol. The Protocol did not appear to provide Hong Kong Government with a legal basis to authorize stopping the M/V Diplomat on the high seas. Moreover, because Hong Kong is the Flag Administrator, while the People's Republic of China is the Flag State, Hong Kong has even less latitude to authorize the U.S.-proposed course of action, said Tupper.

¶2. (C) Tupper stated that the Hong Kong Government's position is clear: the Hong Kong Government fully complies with and supports UN resolutions on preventing the proliferation of weapons; however, he emphasized there was no legal basis for the Hong Kong Government to authorize U.S. personnel to board the M/V Diplomat on the high seas. Though he did not expect any additional action, Tupper promised to forward our concerns to the Hong Kong Government's Secretary of Transportation and Housing for consideration.

¶3. (C) Post is also attempting to deliver a parallel message to Hong Kong's Trade and Industry Department, our usual interlocutor for export control issues, for their information. The Maritime Department, however, clearly has action on our request.  
DONOVAN